

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THE PAPER MILL STORE, INC.,

Plaintiff,

v.

AARBS PAPER, INC. and DOES 1-10,

Defendants.

ORDER

14-cv-354-wmc

The court is in receipt of plaintiff Paper Mill Store, Inc.'s motion for attorney's fees. (Dkt. #24.) By joint motion, defendant Aarbs Paper, Inc. previously agreed to pay reasonable attorney's fees in exchange for plaintiff agreeing to file a joint motion to set aside the entry of default, but the parties disagreed as to a reasonable amount of fees. (Dkt. #21.) The court, therefore, granted the parties' motion to set aside the default and directed Paper Mill Store to submit a motion and accompanying materials in support of its fee request. (Dkt. #24.)

Plaintiff now moves for an award of \$2,614.16 in attorney's fees, representing 6.83 hours of attorney time and 3.33 hours of paralegal time at hourly rates of \$385 for partners, \$285 for associates, and \$165 for paralegals. In a declaration submitted in support of the motion, plaintiff attaches detailed time records and materials supporting its counsel's hourly rates. (Declaration of Conor H. Kennedy, Exs. A-C, E-F (dkt. ##25-1 to 25-3, 25-5 to 25-6).) The declarant further represents that the rates charged are those plaintiff actually pays counsel for its legal services. (Kennedy Decl., (dkt. #25) ¶ 4.)

As an initial matter, rates regularly changed and paid are presumptively reasonable. See *Balcor Real Estate Holdings, Inc. v. Walentas-Phoenix Corp.*, 73 F.3d 150, 153 (7th Cir.

1996) (explaining that in requests for attorney's fees, "the best guarantee of reasonableness is willingness to pay"). The court has also reviewed plaintiff's counsel's time records, and finds the tasks compensable and the time spent on those tasks reasonable, with one exception: The court finds time spent by an associate researching plaintiff's ability to conduct discovery regarding involvement of third parties after entry of default is too ancillary to plaintiff's efforts to obtain default judgment to warrant reimbursement. Accordingly, the court will deduct one hour of time at the \$285 hourly rate from the fee request.

Plaintiff also seeks \$21.76 in costs. While plaintiff does not describe the basis of this request, the court assumes from the time entries that these expenses cover copying and/or postage. The court finds these costs appropriate as well and will include them in the award below.

ORDER

IT IS ORDERED that plaintiff The Paper Mill Store, Inc.'s motion for attorney's fees (dkt. #24) is GRANTED. Accordingly, the court awards fees and costs in the total amount of \$2,350.92, which shall be paid promptly and, in any event, not later than 30 days after the date of this order.

Entered this 11th day of August, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge